

**MINUTES OF THE
CHILD WELFARE LEGISLATIVE OVERSIGHT PANEL**

September 30, 2009 – 8:30 a.m. – Room 250 State Capitol

Members Present:

Sen. Allen M. Christensen, Senate Chair
Rep. Merlynn G. Newbold, House Chair
Sen. Gene Davis
Rep. Trisha S. Beck
Rep. Lorie D. Fowlke

Staff Present:

Mr. Mark D. Andrews, Policy Analyst
Mr. Thomas R. Vaughn, Associate General Counsel
Ms. Wendy L. Bangerter, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Christensen called the meeting to order at 8:55 a.m. Panel members were introduced.

MOTION: Sen. Davis moved to approve the minutes of the December 16, 2008 meeting.

2. Overview of Panel—Purpose and Duties

Mr. Vaughn gave an overview of the Child Welfare Oversight Panel. He explained that the purpose of the Panel is to examine and observe how the child welfare system of the state is working and to recommend changes to the law. The Panel is to receive reports and at the end of the interim, report to the Speaker of the House of Representatives, the President of the Senate, the Health and Human Services Interim Committee, and the Judiciary Interim Committee. The Panel has authority to discuss and review particular cases and even close its meetings in order to do so. It has access to records and it has subpoena powers, but it is prohibited from making recommendations on specific cases.

Mr. Andrews explained how the Panel originated in 1995 following audit findings indicating substantial corrections that needed to be made to the state's child welfare system and following the state's entering into a consent decree as a result of the *David C. v. Leavitt* lawsuit. The state completed its exit from federal court oversight in January 2009. During the exit process, a letter was written by the Panel to the Department of Human Services assuring the Department that the Panel would continue to provide oversight of the state's child welfare system following the termination of court oversight.

Sen. Davis spoke of the importance of the Panel's continuation in order to oversee the welfare of children in the state.

The Committee discussed possible future agenda issues.

3. Performance Outcomes and Process Compliance

Ms. Lisa-Michele Church, Executive Director, Department of Human Services, spoke of the value of the Child Welfare Legislative Oversight Panel over the years, particularly in the state's exit from federal court oversight established as a result of the *David C.* lawsuit. Ms. Church spoke of the budget challenges faced by the Division of Child and Family Services (DCFS) and of how she has worked with legislators on calibrating child welfare policy. She suggested that a December meeting of the Panel to discuss 2010 child welfare legislation and the state budget would be helpful. She also suggested that the Panel seek

input from entities other than DCFS, including domestic violence providers, the Utah Foster Care Foundation, the Office of the Guardian ad Litem, and crisis nurseries.

Ms. Church said that she could provide the Panel with information on the elimination of foster care citizen review boards.

Rep. Beck indicated that she would like the Panel to hear about foster care reimbursement rates.

Mr. Brad McGarry, Director, Office of Services Review, Department of Human Services, spoke of his office's involvement with the Child Welfare Legislative Oversight Panel.

Ms. Kristin Lambert, Analyst, Office of Services Review, Department of Human Services, reviewed the results of the FY 09 qualitative case review and the FY 09 case process review, and answered questions of the Panel. ("A System Review of the Division of Child and Family Services," the Office's FY 09 report of qualitative case review and case process review results, was mailed to the Panel before the meeting.) She said that the DCFS's Western Region has created a plan to address the marked decline in its qualitative case review long-term view score. She noted a marked decline in the case process review measure of whether information about a removed child is provided to a shelter. She also suggested that caseload needs to be considered because of its impact on caseworkers' ability to provide proper documentation of their activities.

Ms. Lambert said that many of the volunteers who participated in the qualitative case reviews were former members of foster care citizen review boards. She noted the interest of others in Utah's child welfare system, including the Casey Foundation, Colombia Law School, and child welfare systems in Virginia, Pennsylvania, Tennessee, and Los Angeles County.

4. Quality Improvement Committees, Caseworker Training, and Fiscal Effort

Mr. Duane Betournay, Director, DCFS, distributed the 2008 Child and Family Services Annual Report, addressed issues identified in the October 31, 2008 Child Welfare Policy and Practice Group Sustainability Report, and answered questions of the Panel.

In his comments, Mr. Betournay explained how the Division has responded to the marked decline in Western Region's qualitative case review long-term view score.

Mr. Betournay also discussed the Division's focus on quality improvement committees and how they are performing in various regions and at the state level.

Mr. Betournay indicated that because the Board of Child and Family Services and the foster care citizen review boards have been eliminated, DCFS is looking at using the Child Abuse and Neglect Advisory Council and focus groups in public meetings as vehicles for obtaining public input on the development of DCFS policies and procedures.

Mr. Betournay invited Panel members to participate in qualitative case reviews.

Mr. Betournay indicated that less caseworker training has been needed due to lower employee turnover resulting from the economic downturn. However, the Division has also had to shift some funding away

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from training in order to keep caseloads down. The Division is just starting up a training group in Salt Lake Region. Mr. Betournay said that he could report in six months on how that training has worked out. He indicated he is confident the Division will be able to do training and keep practice consistent with the practice model.

Mr. Betournay spoke of the 2010 General Session budget "precipice" and said that DCFS has perhaps 10 committees working on how to make changes beginning July 1, 2010 to respond to the budget situation. He said the Division is working with the Department of Health on how to address a \$13 to \$15 million reduction in Medicaid funding resulting from reimbursement changes made by the federal Centers for Medicare and Medicaid Services.

Mr. Betournay said the Panel may want to look at the following issue areas:

- foster parents
- treatment providers
- kin placements
- crisis nurseries

He also suggested the Panel receive input from youth that receive child welfare services.

Mr. Betournay explained that the Division used to have three employees that traveled the state trying to make sure that caseworkers properly documented their activities. This seemed artificial, so ensuring that documentation is done properly has been shifted to supervisors as part of a mentoring process. The Division anticipated this change might result in slightly lower review scores this year and will be watching to see how scores are next year.

Mr. Betournay said that he would provide the Panel's staff with information on changes in DCFS caseloads. He said that caseloads have increased one to one and one-half cases per caseworker, although the greatest growth in caseloads has occurred in Utah County due to population growth. Because of additional monies appropriated over the last three years, the Division has been able to keep up with the increasing number of cases. However, recent budget cuts have impacted caseworkers. These impacts include the loss of administrative workers who previously helped caseworkers with their work.

Mr. Betournay spoke of the challenges faced by youth who age out of the child welfare system. He also spoke of the need for additional adoption subsidies as a challenge to getting youth into an adoptive situation before they age out of the system. Rep. Fowlke indicated she would like to hear more on this topic at a future meeting, including hearing from youth who are succeeding as they move out of foster care.

5. Adjourn

The next meeting was scheduled for Nov 17th at 8:30 a.m.

MOTION: Rep. Beck moved to adjourn the meeting. The motion passed unanimously. Sen. Davis was absent for the vote.

Chair Christensen adjourned the meeting at 11:05 a.m.